

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION and
COMMONWEALTH OF PENNSYLVANIA,
Plaintiffs,

v.

THOMAS JEFFERSON UNIVERSITY and
ALBERT EINSTEIN HEALTHCARE
NETWORK,
Defendants.

Civil Action No. 2:20-cv-01113

**DEFENDANT’S MOTION TO FILE UNDER SEAL
DEFENDANT THOMAS JEFFERSON UNIVERSITY’S
MOTION TO SEAL CONFIDENTIAL EXHIBITS**

Pursuant to Local Rule 5, Defendants Thomas Jefferson University respectfully move this Court for permission to file under seal exhibits to Defendant Thomas Jefferson University’s Motion to Seal Confidential Exhibits (“Motion to Seal”). Defendant seek leave to file under seal the exhibits that Defendant will attach to its forthcoming Motion to Seal related to the treatment of certain Thomas Jefferson University documents at the Preliminary Injunction hearing on September 14, 2020.

In accordance with the Stipulated Protective Order (Dkt. # 55) in this matter, the parties exchanged exhibit lists September 2, 2020. Both Plaintiffs and Defendants included among their exhibits certain documents containing highly confidential and sensitive business, financial, or patient information, which are identified in Appendix A to the Motion to Seal. The exhibits to Defendant’s motion to seal consist of the following sensitive categories: 1) managed care contacts and the negotiated terms and prices therein, the disclosure of which would be severely detrimental to Jefferson’s competitive standing and would disadvantage Jefferson in future managed care

negotiations; 2) current Jefferson strategic and business plans, the disclosure of which would likewise pose significant competitive harm to Jefferson; and 3) protected health information (“PHI”), the disclosure of which is prohibited under the Health Insurance Portability and Accountability Act (“HIPAA”).

Defendant requests leave to file its exhibits to its Motion to Seal to preserve the highly confidential information in these exhibits pending a ruling on its Motion. These exhibits are the very substance of Defendant’s Motion to Seal and therefore should be withheld publically until the Court has had an opportunity to consider the treatment of these documents. Wherever possible, Defendant has identified portions of these exhibits that can be disclosed publically and will submit redacted versions of those documents in the version of its motion emailed to the Court. For these reasons, Defendants seek to file under seal the exhibits to their Motion to Seal.

Dated: September 8, 2020

Respectfully Submitted,

/s/ Paul H. Saint-Antoine

Paul H. Saint-Antoine (ID# 56224)

John S. Yi (ID# 318979)

Carol F. Trevey (ID# 312087)

FAEGRE DRINKER BIDDLE & REATH LLP

One Logan Square, Suite 2000

Philadelphia, PA 19103

Telephone: 215-988-2700

Facsimile: 215-988-2757

paul.saint-antoine@faegredrinker.com

john.yi@faegredrinker.com

carol.trevey@faegredrinker.com

Kenneth M. Vorrasi (admitted *pro hac vice*)

John L. Roach, IV (admitted *pro hac vice*)

Jonathan H. Todt (admitted *pro hac vice*)

Alison M. Agnew (admitted *pro hac vice*)

FAEGRE DRINKER BIDDLE & REATH LLP

1500 K Street, NW, Suite 1100

Washington, DC 20005
Telephone: 202-842-8800
Facsimile: 202-842-8465
kenneth.vorrasi@faegredrinker.com
lee.roach@faegredrinker.com
jonathan.todt@faegredrinker.com
alison.agnew@faegredrinker.com

Daniel J. Delaney (admitted *pro hac vice*)
FAEGRE DRINKER BIDDLE & REATH LLP
191 N. Wacker Drive, Suite 3700
Chicago, IL 60606
Telephone: 312-569-1000
Facsimile: 312-569-3000
daniel.delaney@faegredrinker.com

*Counsel for Defendant Thomas Jefferson
University*

CERTIFICATE OF SERVICE

I hereby certify that on this 8nd day of September, 2020, a true and correct copy of the foregoing was filed and served electronically by the Court's CM/ECF system upon all registered users in this action.

/s/ John L. Roach IV

John L. Roach IV

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL TRADE COMMISSION and
COMMONWEALTH OF PENNSYLVANIA,
Plaintiffs,

v.

THOMAS JEFFERSON UNIVERSITY and
ALBERT EINSTEIN HEALTHCARE
NETWORK,
Defendants.

Civil Action No. 2:20-cv-01113

[PROPOSED] ORDER

AND NOW, this _____ day of _____, 2020, pursuant to Local Civil Rules 5.1.2 and 5.1.5, the Court **GRANTS** Defendant Thomas Jefferson University's Motion to File under Seal Defendant Thomas Jefferson University's Motion to Seal Confidential Exhibits. The Clerk of Court shall file/maintain under seal exhibits to Defendants' Motion to Seal Confidential Exhibits and they shall remain sealed unless and until the Court orders otherwise.

Gerald J. Pappert
United States District Judge